

DEPARTMENT OF THE ARMY
Wilmington District, Corps of Engineers
Post Office Box 1890
Wilmington, North Carolina 28402-1890

Action ID No. 200301159

November 24, 2003

PUBLIC NOTICE

Martin Marietta Materials, Post Office Box 30013, Raleigh, North Carolina 27622-0013, has applied for a Department of the Army (DA) permit, pursuant to Section 404 of the Clean Water Act, to impact 7.52 acres of wetlands for expansion of an existing mining operation to extract limestone product located at the Rocky Point Quarry, approximately 1.5 to 2 miles northwest of the Northwest Cape Fear River, adjacent to a tributary of Strawberry Branch, at the end of NC State Road 1636, east of I-40, in Rocky Point, Pender County, North Carolina.

The following description of the work is taken from data provided by the applicant and from observations made during a site visit by a representative of the Corps of Engineers. Plans submitted with the application show proposed mining activities on approximately 87 acres of land on Tracts G1 and G2. The mining activity consists of the removal of vegetation and overburden from approximately 58 acres of land to expose the limestone aggregate product. This will be accomplished using traditional earth moving equipment. Deep ground water from the product zone will be removed through operation of an excavated sump area with pumps to transport ground water to surface discharge points in compliance with the current North Carolina Department of Environment and Natural Resources Mining Permit, Identification Number 69-08, approved September 13, 2002. Impacts to the 7.52 acres of jurisdiction wetlands would be the result of the excavation of overburden and side casting. The purpose of the proposed work is to mine semi-consolidated and marly limestone ranging in thickness from 15 to 18 feet. For mitigation, the applicant proposes payment to the Wetland Restoration Program at a ratio of 1:1 for the 7.52 acre of wetland impacts. Plans showing the work are included with this public notice.

The State of North Carolina will review this public notice to decide the need for the applicant to obtain any required State authorization. No Department of the Army (DA) permit will be issued until the coordinated State viewpoint on the proposal has been received and reviewed by this agency, nor will a DA permit be issued until the North Carolina Division of Water Quality (NCDWQ) has decided the applicability of a Water Quality Certificate as required by PL 92-500.

The applicant has determined that the proposed work is consistent with the North Carolina Coastal Zone Management Plan and has submitted this determination to the North Carolina Division of Coastal Management (NCDCM) for their review and concurrence. This proposal shall be reviewed for the applicability of other actions by North Carolina agencies such as:

- a. The issuance of a Water Quality Certification under Section 401 of the Clean Water Act by the North Carolina Division of Water Quality (NCDWQ).
- b. The issuance of a permit to dredge and/or fill under North Carolina General Statute 113-229 by the North Carolina Division of Coastal Management (NCDCM).
- c. The issuance of a permit under the North Carolina Coastal Area Management Act (CAMA) by the North Carolina Division of Coastal Management (NCDCM) or their delegates.
- d. The issuance of an easement to fill or otherwise occupy State-owned submerged land under North Carolina General Statute 143-341(4), 146-6, 146-11, and 146-12 by the North Carolina Department of Administration (NCDA) and the North Carolina Council of State.
- e. The approval of an Erosion and Sedimentation Control Plan by the Land Quality Section, North Carolina Division of Land Resources (NCDLR), pursuant to the State Sedimentation Pollution Control Act of 1973 (NC G.S. 113 A-50-66).

The requested Department of the Army (DA) permit will be denied if any required State or local authorization and/or certification is denied. No DA permit will be issued until a State coordinated viewpoint is received and reviewed by this agency. Recipients of this notice are encouraged to furnish comments on factors of concern represented by the above agencies directly to the respective agency, with a copy furnished to the Corps of Engineers.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The District Engineer's initial determination is that the proposed project would not adversely impact EFH or associated fisheries managed by the South Atlantic or Mid Atlantic Fishery Management Councils or the National Marine Fisheries Service.

This application is being considered pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344). Any person may request, in writing within the comment period specified in the notice, that a public hearing be held to consider this application. Requests for public hearing shall state, with particularity, the reasons for holding a public hearing.

The District Engineer has consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this site is not registered property or property listed as being eligible for inclusion in the Register. Consultation of the National Register is the extent of cultural resource investigations by the District Engineer, and he is otherwise unaware of the presence of such resources. Presently, unknown archeological, scientific, prehistorical, or

historical data may be lost or destroyed by work under the requested permit.

The District Engineer, based on available information, is not aware that the proposed activity will affect species, or their critical habitat, designated as endangered or threatened pursuant to the Endangered Species Act of 1973.

The decision, whether to issue a permit, will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts that the proposed activity may have on the public interest requires a careful weighing of all those factors that become relevant in each particular case. The benefits that may be expected to accrue from the proposal must be balanced against its foreseeable detriments. The decision whether to authorize a proposal, and if so the conditions under which it will be allowed to occur, are therefore decided by the outcome of the general balancing process. That decision should reflect the national concern for both protection and use of important resources. All factors that may be relevant to the proposal must be considered including the cumulative effects of it. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards and flood plain values (according to Executive Order 11988), land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the placement of dredged or fill materials in waters of the United States, a permit will be denied if the discharge that would be authorized would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria, a permit will be granted unless the District Engineer decides that it would be contrary to the public interest.

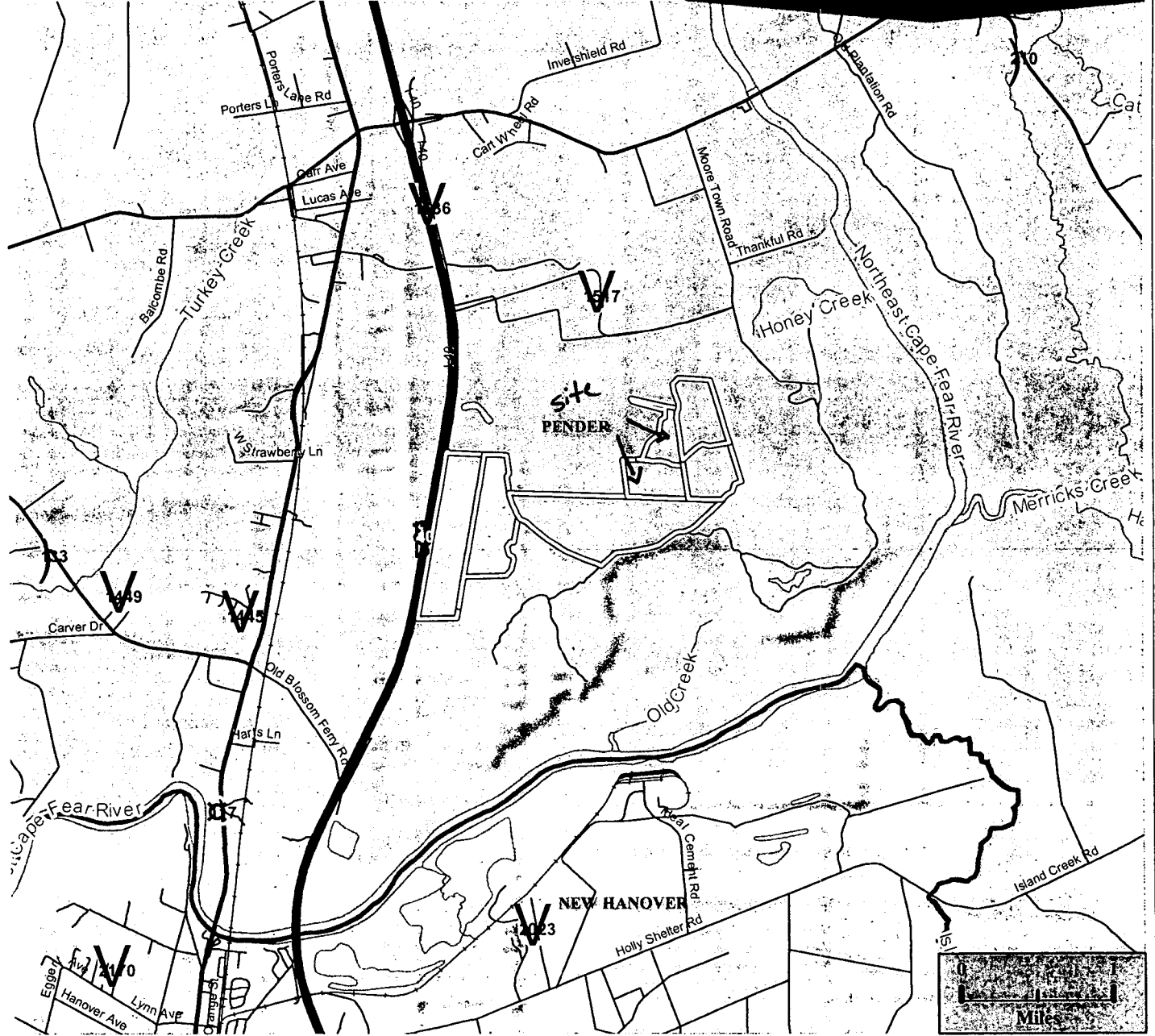
The Corps of Engineers is soliciting comments from the public; Federal, State and local agencies and officials; Indian Tribes and other interested parties to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to decide whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to decide the need for a public hearing and to decide the public interest of the proposed activity.


Generally, the decision whether to issue this Department of the Army (DA) permit will not be made until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act. The NCDWQ considers whether the proposed activity will comply with Sections 301, 302, 306, and 307 of the Clean Water Act. The application and this public notice for the Department of the Army (DA) permit serves as application to the NCDWQ for certification.

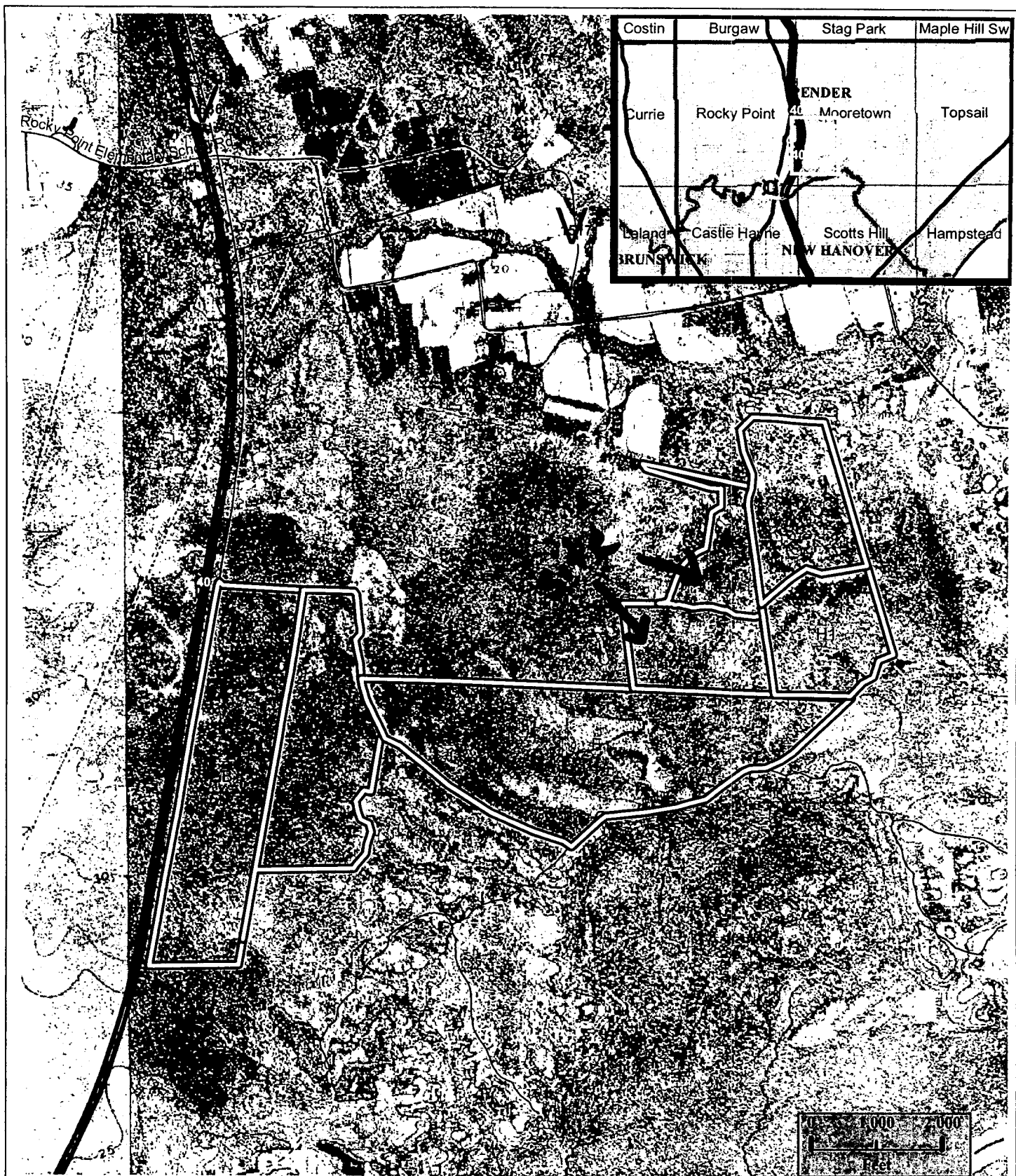
Additional information regarding the Clean Water Act certification may be reviewed at the offices of the Environmental Operations Section, North Carolina Division of Water Quality (NCDWQ), Salisbury Street, Archdale Building, Raleigh, North Carolina. Copies of such materials will be furnished to any person requesting copies upon payment of reproduction costs.

All persons wanting to make comments regarding the application for Clean Water Act certification should do so in writing delivered to the North Carolina Division of Water Quality (NCDWQ), 1621 Mail Service Center, Raleigh, North Carolina 27699-1621, on or before December 22, 2003, Attention: Mr. John Dorney.

Written comments pertinent to the proposed work, as outlined above, will be received in this office, Attention: Ms. Lillette Granade, until 4:15 p.m., December 26, 2003, or telephone (910) 251-4829.



Title	Vicinity Map			
Prepared For: 	Project	Martin Marietta Materials Rocky Point Quarry Pender County, North Carolina		
	Date	July 31, 2003	Project Number	011185010 Figure 1



Title Quad Map (USGS Quad Mooretown, North Carolina 1970)

Prepared For:



Project

Martin Marietta Materials
Rocky Point Quarry
Pender County, North Carolina

Date

July 31, 2003

Project Number

011185010

Figure

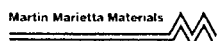
2

figure 2 of 5



Title Soils Map (1998 Color IR Aerial with NRCS Soils Mapping)

Prepared For:



Project

Martin Marietta Materials
Rocky Point Quarry
Pender County, North Carolina

Date

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011185010

Figure

3

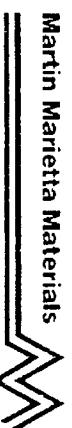
figure 3 of 5

Title: Proposed Wetland Impacts (Aerial February 2000)

Prepared for

Project:

Martin Marietta Materials
Rocky Point Quarry
Pender County, North Carolina



Date

July 31, 2003

Project Number

011185010

Figure

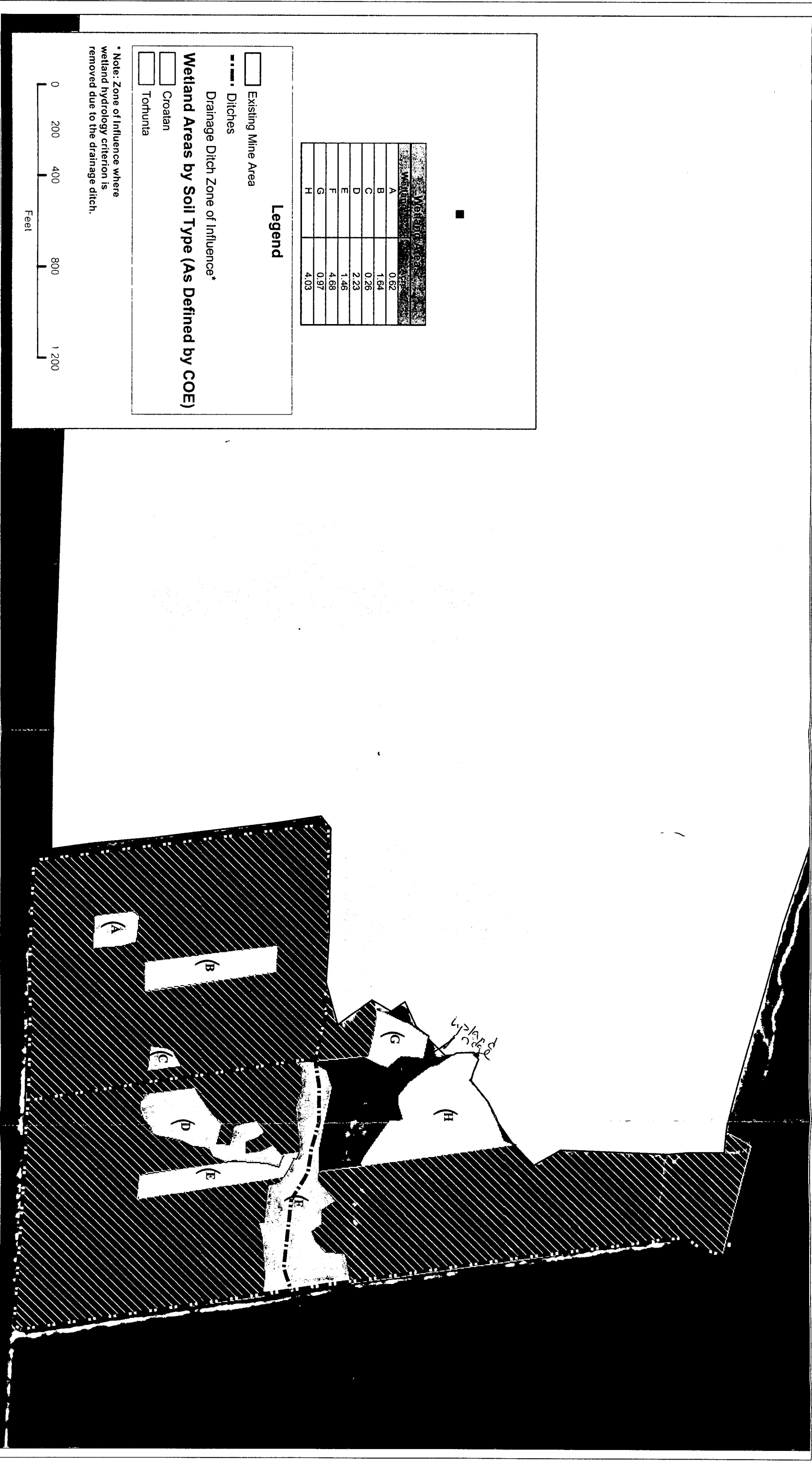
9



Legend

- Existing Mine Area
- Proposed Mine Area
- Non Impacted Wetlands
- Impacted Wetlands

0 150 300 600
Feet



Title: Jurisdictional Wetlands and Ditch Drainage Influence on Tracts G1 & G2 as determined by MMA and USACE during June 3, 2003 meeting (Aerial February 2000)

Prepared for

Project:

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Rocky Point Quarry
Pender County, North Carolina

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Project Number

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Figure

8

